

REMARKS

Claims 1-45 are pending. Claims 37-45 have been added. Claims 8, 10-12, 15, 17-19, 22, 26, 27, 29, 30-33, and 35 have been amended. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the June 29, 2005 Office Action, the Examiner allowed claims 1-17, 22-29, 34, and 36. The Examiner objected to claims 9-10, 12-14, 16, 17, 19-21, 31, and 33 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner rejected claims 8, 11, 15, 18, 30, 32 and 35. These rejections are respectfully traversed.

The Examiner rejected claim 35 under 35 U.S.C. § 112, second paragraph, as being indefinite because it depends on itself. This has been corrected.

The Examiner rejected claims 8, 11, 15, 18, 30 and 32, as being anticipated by U.S. Patent No. 6,212,143 Teshirogi et al. (The Teshirogi reference).

Independent claim 8, as amended, is directed to an optical disk that is recordable and is recorded with control information during a disk manufacturing process and the control information is indicative of a predetermined linear velocity.

Independent claim 8, as amended, recites *the optical disk is recorded with control information during a disk manufacturing process, the control information being indicative of a predetermined linear velocity and being readily readable*

from the recording layer to facilitate the accessing of the tracks by the optical beam'.

The Teshirogi reference relates to a disk player that controls a spindle motor for rotating an optical disk in CLV mode or in CAV mode. The optical disk is previously recorded with data. The data is reproduced through an optical pickup (2). The reproduced data is fed to a waveform rectifying unit (3). A clock extracting unit (5) extracts clock components from the wave-form rectified reproduction data. The extracted clock components are fed to the CLV controller (6). The CLV controller (6) compares the clock components with the reference clock signal. Based on the difference, the CLV controller (6) controls the spindle motor in CLV mode. The clock component is proportional to the rotation speed of the spindle motor.

The Teshirogi reference does not disclose, teach, or suggest the feature of independent claim 8, as amended. Unlike independent claim 8, as amended, the Teshirogi reference does not disclose *'the optical disk is recorded with control information during a disk manufacturing process, the control information being indicative of a predetermined linear velocity and being readily readable from the recording layer to facilitate the accessing of the tracks by the optical beam'.*

Independent claim 15, as amended, relates to the optical disk that is recordable and is recorded with control information during a disk manufacturing process and the control information is indicative of a predetermined angular velocity.

Independent claim 15, as amended, recites *'the optical disk is recorded*

with control information during a disk manufacturing process, the control information being indicative of a predetermined angular velocity and being readily readable from the recording layer to facilitate the accessing of the tracks by the optical beam'.

The Teshirogi reference relates to a disk player that controls a spindle motor for rotating an optical disk in CLV mode or in CAV mode. In the CAV mode, the frequency generator unit (14) generates a FG signal. The CAV controller (16) compares the FG signal with the reference clock signal. Based on the difference, the CAV controller (16) controls the spindle motor in CAV mode. The FG signal is not recorded in the optical disk during a disk manufacture process.

The Teshirogi reference does not disclose, teach, or suggest the feature of independent claim 15, as amended. Unlike independent claim 15, as amended, the Teshirogi reference does not disclose the feature *'the optical disk is recorded with control information during a disk manufacturing process, the control information being indicative of a predetermined angular velocity and being readily readable from the recording layer to facilitate the accessing of the tracks by the optical beam'.*

Independent claim 30, as amended, is an apparatus claim utilizing the optical disk having limitations similar to the optical disk claimed in claim 8, as amended.

Independent claim 32, as amended, is an apparatus claim utilizing the optical disk having limitations similar to the optical disk claimed in claim 15, as

amended.

Accordingly, applicant respectfully submits that independent claims 8, 15, 30 and 32, as amended, distinguish over the Teshirogi references for the reason set forth above with respect to independent claim 8 and 15, as amended.

Newly added independent claims 37 and 44 are similar to allowable claims 1 and 28, respectively. In particular, claims 37 and 44 primarily differ from claims 1 and 28 in specifying that the recording of control information is on the "optical disk" rather than the recording layer, and that the information is recorded during a "disk manufacturing process" rather than "preliminarily." The Examiner stated that claims 1-7, 22-29, 34, and 36 are allowable, inter alia, because the prior art of record alone or in combination does not teach or suggest the optical disk and apparatus having the control information indicative of the predetermined track pitch, as set forth in claims 1-7, 28 and 29. Independent claims 37 and 44 also recite "the control information being indicative of the predetermined track pitch." Thus Applicant respectfully submits that independent claims 37 and 44 are allowable for the same reasons as indicated by the Examiner in the Office Action.

Claims 9-14 depend, directly or indirectly, from independent claim 8. Thus, Applicant respectfully submits that these claims are allowable for the same reasons as discussed above with respect to claim 8. Claims 16-21 depend, directly or indirectly, from independent claim 15. Thus, Applicant respectfully submits that these claims are allowable for the same reasons as discussed above with respect to claim 15. Claim 31 depends, directly or indirectly, from independent claim 30. Thus, Applicant respectfully submits that this claim is

allowable for the same reasons as discussed above with respect to claim 30.


Claim 33 depends, directly or indirectly, from independent claim 32. Thus, Applicant respectfully submits that this claim is allowable for the same reasons as discussed above with respect to claim 32. Claims 38-43 and 45 depend, directly or indirectly, from independent claims 37 and 44 respectively. Thus, Applicant respectfully submits that these claims are allowable for the same reasons as discussed above with respect to claims 37 and 44.

Applicant believes that the foregoing remarks place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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